

REMARKS

Claims 1-20 are pending in the application. Reconsideration and allowance of claims 1-20 in light of the arguments herein are respectfully requested.

Prior art Rejections

Claims 1-4, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent number 6,269,361 to Davis, et al., in view of U.S. patent publication number 2993/0055743 to Murcko, Jr. ("Murcko"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Murcko and further in view of Mann. Claims 14-17 and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Murcko and further in view of U.S. patent number 6,662,8954 to McGowan ("McGowan"). Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of U.S. patent number 6,678,664 to Ganesan ("Ganesan") and further in view of U.S. patent number 6,557,007 to Pekowski, et al. ("Pekowski"). Claims 9-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Ganesan and further in view of U.S. patent number 5,963,924 to Williams, et al. ("Williams"). Finally, claim 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Murcko and McGowan and further in view of Williams. Reconsideration of these rejections is respectfully requested.

Operation of 35 U.S.C. § 103(c)

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US patent number 6,269,361 to Davis, et al ("Davis") in view of other cited references. Withdrawal of this rejection as being improper under 35 U.S.C. § 103(c) is respectfully requested.

Section 103(c) provides

(c) Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the

Application no. 09/922,090
Amendment dated: January 30, 2006
Reply to office action dated: November 30, 2005

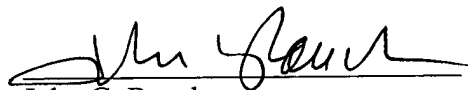
invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The present application and Davis are commonly owned or subject to an obligation of assignment to the same entity at the time the invention was made. The present application is assigned to Overture Services, Inc., as recorded at reel 013410 frame 0392. A copy of the assignment digest for this application is attached hereto. At the time the invention was made, the inventors had assigned or were under obligation to assign the invention to Overture Services, Inc. Davis is also assigned to Overture Services, Inc. as recorded at reel 012621, frame 0446. A copy of the assignment digest for Davis is attached hereto. Davis was originally filed and assigned to GoTo.com, which was subsequently merged with Overture Services, Inc.

Accordingly, by operation of 35 U.S.C. § 103(c), the subject matter of Davis should not preclude patentability of the present application. Withdrawal of the rejections under 35 U.S.C. § 103(a) based on this reference is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



John G. Rauch
Registration No. 37,218
Attorney for Applicant

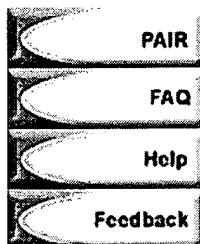
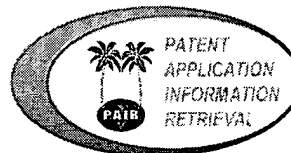
January 30, 2006
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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Assignment Abstract of Title

Total Assignments: 2

Application #: 09922090 Filing Dt: 08/03/2001

Patent #: NONE

Issue Dt:

PCT #: NONE

Publication #: NONE

Pub Dt:

Inventors: Dominic Cheung, SCOTT A. SHIFLETT, DARREN J. DAVIS, EUGENE F. HU, SCOTT W. SNELL

Title: Search engine account monitoring

Assignment: 1

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|-------------|---------------|-----------|------------|-----------|------------|---------|------------|--------|---|
| Reel/Frame: | 013066 / 0564 | Received: | 07/12/2002 | Recorded: | 07/09/2002 | Mailed: | 09/10/2002 | Pages: | 4 |
|-------------|---------------|-----------|------------|-----------|------------|---------|------------|--------|---|

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 01/21/2002

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Assignment: 2

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|-------------|---------------|-----------|------------|-----------|------------|---------|------------|--------|---|
| Reel/Frame: | 013410 / 0392 | Received: | 10/28/2002 | Recorded: | 10/21/2002 | Mailed: | 02/06/2003 | Pages: | 6 |
|-------------|---------------|-----------|------------|-----------|------------|---------|------------|--------|---|

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 09/18/2002
Exec Dt: 09/18/2002
Exec Dt: 09/11/2002
Exec Dt: 09/18/2002
Exec Dt: 09/18/2002

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Patent Assignment Abstract of Title

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Total Assignments: 3

Patent #: [6269361](#) **Issue Dt:** 07/31/2001 **Application #:** 09322677 **Filing Dt:** 05/28/1999**Inventors:** Thomas A. Soulanille, James B. Gallinatti JR., DARREN J. DAVIS, MATTHEW DERER et al**Title:** SYSTEM AND METHOD FOR INFLUENCING A POSITION ON A SEARCH RESULT LIST
GENERATED BY A COMPUTER NETWORK SEARCH ENGINE

Assignment: 1

Reel/Frame: [010170/0968](#)**Recorded:** 08/17/1999**Pages:** 10**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** [DAVIS, DARREN J.](#)**Exec Dt:** 07/29/1999[DERER, MATTHEW](#)**Exec Dt:** 07/29/1999[GARCIA, JOHANN](#)**Exec Dt:** 07/29/1999[GRECO, LARRY](#)**Exec Dt:** 07/29/1999[KURT, TOD E.](#)**Exec Dt:** 07/29/1999[KWONG, THOMAS](#)**Exec Dt:** 07/29/1999[LEE, JONATHAN C.](#)**Exec Dt:** 07/29/1999[LEE, KA LUK](#)**Exec Dt:** 07/29/1999[PFARNER, PRESTON](#)**Exec Dt:** 07/29/1999[SKOVRAN, STEVE](#)**Exec Dt:** 07/29/1999**Assignee:** [GOTO.COM, INC.](#)

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Assignment: 2

Reel/Frame: [012621/0446](#)**Recorded:** 02/15/2002**Pages:** 5**Conveyance:** MERGER (SEE DOCUMENT FOR DETAILS).**Assignor:** [GOTO.COM, INC](#)**Exec Dt:** 10/02/2001**Assignee:** [OVERTURE SERVICES, INC.](#)

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Assignment: 3**Reel/Frame:** 012991/0925**Recorded:** 06/17/2002**Pages:** 8**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** SOULANILLE, THOMAS A.**Exec Dt:** 02/25/2002GALLINATTI, JR., JAMES B.**Exec Dt:** 02/26/2002**Assignee:** OVERTURE SERVICES, INC.

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